

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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RICHARD ROCK,

Plaintiff,

v.

PENNSYLVANIA LIFE INSURANCE CO.

Defendant.

ORDER

07-C-333-C

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On December 3, 2007, the parties filed a stipulation to extend by eight to ten weeks all remaining deadlines in this disability insurance policy lawsuit, because plaintiff had “unexpected health issues.” *See* Dkt. 8 at 1.

In response to my request for more information, it turns out that on the morning of his RFC exam scheduled for November 14, 2007, plaintiff called in with a bad back. His chiropractor wrote a note on November 21 explaining that plaintiff had been unable to function from November 14 - 19, 2007. In other words, the incapacity had lasted six days, it had ended before the note was written and before the parties had requested their extensions. *See* dkt. 10.

This is not a basis for a two-month extension of the schedule; it is not a basis for any extension at all. I suspect that the real problem is that both sides have a lot of work to do over the holidays that they’d really rather postpone for a bit. If that’s the case, I don’t blame them, but counsel knew this when they approved this schedule at last June’s preliminary pretrial conference. It is not the court’s intent to be Grinch-like for its own sake, but this is an extraordinarily busy, fast-moving court that requires the parties to adhere to the deadlines.

Litigants may not obtain long extensions on their own stipulation as a result of unforeseen but relatively minor discovery mishaps.

So, the trial date is not moving. Even so, I will give the parties what time can be eked out of the schedule: the new motion deadline is January 11, 2008, with responses due January 28, 2008 and replies due February 7, 2008. I leave it to the parties to set a new deadline for defendant's expert disclosures (they were due today, December 17, 2007) following as quick an RFC exam as they can muster over the holidays.

Entered this 17<sup>th</sup> day of December, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge